

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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EYVGENYI E. SCHERBAN, :
Plaintiffs, : 14-CV-6312 (VSB) (OTW)
-against- :
ORDER
MERRILL LYNCH et al., :
Defendants. :
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ONA T. WANG, United States Magistrate Judge:

The Court is in receipt of Mr. Lambert's status report at ECF 108.

On February 7, 2024, I issued an Order (ECF 107) expressing the understanding of the Court that Eyvgenyi E. Scherban is the only remaining Plaintiff whose claims are still at issue in this litigation. In that Order, I directed Mr. Lambert, as counsel for Plaintiffs Estate of Yevgeny A. Scherban; Estate of Nadejda Nikitina; Ruslan E. Scherban; and Yevgen E. Scherban to inform the Court whether these Plaintiffs' claims have been addressed with finality. In his status report, Mr. Lambert expressed that "he has no authority to make any statement on that issue in the absence of a notarized joint statement of all three brothers," i.e., Eyvgenyi E. Scherban, Ruslan E. Scherban, and Yevgen E. Scherban, "asserting their positions regarding that asset and does not undertake any responsibility to make any statements on the behalf of any of the three brothers." (ECF 108 at 3).

Mr. Lambert's status report did not resolve the Court's inquiry.

I have reviewed Judge Broderick's June 23, 2021 Opinion & Order (ECF 68). In his Opinion & Order, Judge Broderick confirmed and corrected the FINRA arbitration award

(ECF 64-20) which dismissed with prejudice the claims of all Plaintiffs in this action except for Eyvgenyi E. Scherban. See ECF 68 at 23-25.¹ The only remaining claims in this action that were not resolved by the arbitration panel are the individual claims of Eyvgenyi E. Scherban.

Accordingly, it is hereby **ORDERED** that Plaintiff Eyvgenyi E. Scherban shall file an amended complaint **by July 12, 2024**.

The Clerk of Court is directed to correct the caption of this case to *Eyvgenyi E. Scherban v. Merrill Lynch, et al.*

SO ORDERED.

Dated: June 13, 2024
New York, New York

s/ Ona T. Wang
Ona T. Wang
United States Magistrate Judge

¹ On September 30, 2015, the Court granted Defendant's motion to compel arbitration as to all Plaintiffs except Eyvgenyi E. Scherban. (ECF 31). In its arbitration award, the FINRA panel incorrectly stated that the Court had granted the motion to compel arbitration "as to all Claimants other than Ruslan E. Chtcherban [sic]." (ECF 64-20 at 4). In the June 23, 2021 Opinion & Order, the Court found that the arbitration panel had confused Ruslan and Eyvgenyi, and corrected the arbitration award to reflect that the motion to compel had been granted as to all claims except the individual claims of Eyvgenyi. (ECF 68 at 25).